

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CHERYL KATER and SUZIE KELLY,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

CHURCHILL DOWNS INCORPORATED, a
Kentucky corporation, and BIG FISH
GAMES, INC., a Washington corporation,

Defendants.

Case No.: 2:15-cv-00612-RBL

**DECLARATION OF LINDSEY
BARNHART IN SUPPORT OF
DEFENDANTS' RENEWED
MOTION TO COMPEL
ARBITRATION**

MANASA THIMMEGOWDA, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

BIG FISH GAMES, INC., a Washington
corporation; ARISTOCRAT
TECHNOLOGIES INC., a Nevada
corporation; ARISTOCRAT LEISURE
LIMITED, an Australian corporation; and
CHURCHILL DOWNS INCORPORATED, a
Kentucky corporation,

Defendants.

Case No.: 2:19-cv-00199-RBL

**DECLARATION OF LINDSEY
BARNHART IN SUPPORT OF
DEFENDANTS' RENEWED
MOTION TO COMPEL
ARBITRATION**

1 I, Lindsey Barnhart, hereby declare as follows:

2 1. I am an attorney at the law firm of Covington & Burling LLP. I am one of
3 the attorneys representing Defendants Big Fish Games, Inc., Aristocrat Technologies, Inc., and
4 Aristocrat Leisure Limited, in the above-captioned action. I submit this declaration in support of
5 Defendants' Renewed Motion to Compel Arbitration. I make this declaration based on my
6 personal knowledge and, if called as a witness, I could and would competently testify thereto.

7 2. Attached hereto as **Exhibit 1** is a true and correct copy of the May 9, 2019
8 Declaration of Jason Willig in Support of Big Fish Games, Inc.'s and Churchill Downs Inc.'s
9 Motion to Compel Arbitration and its supporting Exhibits A & B, *Kater* Dkts. 101-101-2.

10 3. Attached hereto as **Exhibit 2** is a true and correct copy of the October 25,
11 2019 Declaration of David Grossman in Support of Defendants' Opposition to Plaintiffs' Motion
12 for Temporary Restraining Order and Limited Relief from Litigation Stay and its supporting
13 Exhibits A, B, C, D, & E, *Kater* Dkts. 128-128-5.

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15 I declare under the penalty of perjury under the laws of the United States that the
16 foregoing is true and correct. This declaration is executed this 9th day of April, 2020, in
17 Palo Alto, California.

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19 Lindsey Barnhart
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